

REGULAR MEETING of the Town Council held on Wednesday, July 26, 2006 at 8:05 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford.

MEMBERS ABSENT: Councilor Margaret L. Dudley was excused.

1. Council President Wallace F. Lees led those present in pledging allegiance to the flag.

2. VOTED to continue the question of accepting minutes.

Motion by Councilor Nancy F. Binns. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present.

Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

3. Public Comment:

Daniel Richardson of 505 East Ironstone Road addressed the Town

Council relative to his objection to planned paving on sections of East Ironstone Road near his home. In Mr. Richardson's opinion, the dirt road has historic value as well as functionality. Mr. Richardson pointed out that there is a historic marker in the ledge that must be removed to complete the paving. Mr. Richardson discussed possible negative impact on his water system and potential hazards resulting from increased speed resulting from changes to the road surface.

4. General Good and Welfare of the Town of Burrillville

Councilor Jacqueline Zahn reported on the Library Fundraising Committee's cookbook project and asked for the support of the Council in collecting recipes and promoting the project.

Councilor Nancy F. Binns commented on the attractive new gateway sign placed at the town line on Route 102.

5. Petitions:

06-208 VOTED to open the petition from Verizon New England Inc. to construct a line of poles, wires and fixtures along and across Lapham Farm Road for the purpose of providing a new pole for guying purposes.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members

present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

Discussion: It was noted that the poles were placed before the petition was received.

VOTED to notify Verizon New England, Inc. that in the future construction should not be done until permission has been granted; to grant the petition from Verizon New England, Inc. to construct a line of poles, wires and fixtures along and across Lapham Farm Road for the purpose of providing a new pole for guying purposes with the stipulation that if the pole needs to be moved in the future, it will be at the expense of Verizon New England, Inc.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

06-209 VOTED to grant the petition from Narragansett Electric Company to locate and maintain poles, wires and fixtures, along and across Log Road.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

6. Special Business:

06-210 VOTED to open the application for a new Private Detective license from Jamie Genereux.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

Discussion: The clerk reported that a BCI had been authorized by the applicant and conducted by the police department, that the Chief of Police had signed off on the application and that the applicant had signed an affidavit swearing that he met the requirements of the State law relative to issuance of private detective licenses.

VOTED grant a new Private Detective license to Jamie Genereux.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

06-211 VOTED to confirm a proclamation honoring Senior Chief Hospital Corpsman Michael L. Hebert upon his retirement from the United States Naval Reserves, as follows:

Proclamation

WHEREAS, The Town Council of the Town of Burrillville hereby recognizes the exceptional career of Senior Chief Hospital Corpsman Michael L. Hebert of the United States Naval Reserves; and

WHEREAS, Michael Leo Hebert, son of Theodore and Juliette Hebert Sr., was born November 22, 1962; and

WHEREAS, Michael grew up in Mapleville and attended Burrillville High School where he played football, wrestled and participated in track and field. He graduated high school in June of 1980 and achieved an Associates of Arts Degree from Columbia College with a major in Business Administration in 1987. Michael was a volunteer with the Oakland-Mapleville Fire Department for four years before joining the military; and

WHEREAS, he enlisted into the United States Navy in June of 1980 and completed recruit training at Naval Training Center, Orlando, Florida; and

WHEREAS, Mike married Eileen McCrary in June of 1987 and together they have two children, Michaela and Kingston; and

WHEREAS, HMCS Hebert has specialized in Emergency Medicine including advanced trauma and cardiac life support training. Most recently he advanced to Senior Medical Department Representative at Naval Coastal Warfare Squadron Three Three, responsible for medical readiness for six reporting commands throughout the Northwest; and

WHEREAS, HMCS Hebert retired after twenty-six years of service; his personal awards include three Navy and Marine Corps Commendation Medals, four Navy and Marine Corps Achievement Medals, two Meritorious Unit Commendation Medals, two Navy Good Conduct Medals, five Naval Reserve Meritorious Service Medals, two National Defense Service Medals and one Military Outstanding Volunteer Service Medal.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby honor and commend HMCS Michael L. Hebert for his dedicated service to the United States Navy and the citizens of the United States.

Adopted this 26th day of July, 2006

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members

present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

7. Unfinished Business:

06-193 VOTED to open the correspondence regarding awarding of bids, appropriation of funds and scheduling, relative to the Pascoag Riverwalk Project.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

Discussion: Thomas J. Kravitz, Town Planner and Economic Development Coordinator, explained that there are time constraints related to this project due to proposed construction on Pascoag Main St., which would obstruct access to the Riverwalk project. Mr. Kravitz indicated that the Riverwalk project must be completed by October 1, 2006 to avoid this difficulty. Mr. Kravitz discussed options for alternative funding and reducing the cost of the project.

VOTED that the Town Council hereby authorizes two contracts related to the Pascoag Riverwalk project: one contract to G. Donaldson Corp. in an amount not to exceed \$194,000; and one contract to Jim Gervasio Construction, Inc. in an amount not to exceed \$142,565; and that additional funding for the project in an amount not to exceed \$156,565 (\$146,565 project costs and \$10,000 contingency) be appropriated from the major capital account; and that the Town Manager be authorized to execute the contracts.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Edward F. Bonczek. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

06-194 VOTED to open the correspondence from Richard A. Bernardo, P.E., regarding his recommendation for awarding bids for dump trucks with dump bodies, sanders and plows.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

Discussion: Michael C. Wood, Town Manager, reviewed the Town Council's earlier vote to allocate capital funds for trucks, which allowed for a Request for Proposals and for the Town Council to consider awarding the bid.

VOTED that three (3) 36,220 lb. gross vehicle weight dump trucks with dump bodies, sanders and plows be purchased from Altrui Bros. Freightliner Truck Sales, Inc. for a total amount of \$316,482 from the 2007 capital fund.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

8. New Business:

06-212 VOTED to receive and file the correspondence from the Burrillville Conservation Commission regarding the access gate installation at Wallum Lake Dam.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President

Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

06-213 VOTED to open the correspondence from Kevin M. Blais regarding his concerns with bids related to the Jesse Smith Memorial Library project.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

Discussion: Kevin Blais said that he had concerns related to the Clerk of the Works and Construction Contractor for the library project.

Mr. Blais discussed his concerns with the process of awarding the bid for Clerk of the Works. Mr. Blais said that it was his belief that the bid had not been awarded to the lowest bidder, that the terms of the request for proposals (RFP) had changed during the process, that his interview as a bidder for the Clerk of the Works position had been unfairly conducted without a quorum of the committee, that the interviews were held in executive session although the open meeting

procedure was not properly followed and that there were many violations of the open meetings law related to the selection of the Clerk of the Works.

Mr. Blais noted that the construction bid had been awarded to E.W. Burman, who was the low bidder. However, Mr. Blais said, E.W. Burman was allowed to amend their bid to correct clerical errors but no other bidder was allowed to amend their bid.

Timothy J. Kane, Assistant Town Solicitor, commented that the Town Solicitor had reviewed the facts and circumstances regarding the bid of the contract to E.W. Burman, reviewed Rhode Island case law from the Supreme Court on the awarding of such bids, and it is the Solicitor's opinion that the bid followed the proper bid procedures and should stand.

With regard to awarding the bid for Clerk of the Works, Timothy J. Kane, Assistant Town Solicitor, said that it is the Solicitor's opinion that there was a procedural error made with regard to posting because the agenda did not include that the Committee would act upon an appointment of the clerk. This information, he said, had been communicated to the Library Building Committee and it was his understanding that the Committee was taking steps to rectify the error. Councilor William A. Andrews pointed out that no contract for Clerk of the Works had been signed.

David C. Ketcham, Ph.D., Vice Chairman of the Library Building Committee, elaborated briefly on the clerical error that E.W. Burman was allowed to correct, noting that no other contractor was allowed to amend their bid because no other bid contained this type of clerical error.

Dr. Ketcham addressed Mr. Blais' concerns with awarding the bid for Clerk of the Works. He said that there were no changes in the RFP during the process. Dr. Ketcham reviewed the scheduling of interviews for Clerk of the Works, noted that all six applicants for Clerk of the Works were interviewed, and discussed the reasons that the Committee conducted the interviews in Executive Session.

David C. Ketcham, Vice Chairman of the Library Building Committee, informed the Town Council that the Committee would meet on Friday, July 28, 2006 to correct the error and determine the process for selecting Clerk of the Works.

VOTED to receive and file.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

06-214 VOTED to receive and open the correspondence from Michael C. Wood, Town Manager, regarding an assessor's revaluation software license agreement.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

Discussion: Michael C. Wood, Town Manager, notified the Town Council that an agreement would be properly executed under the original award made for revaluation services.

VOTED to receive and file.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

06-215 VOTED to refer to the Screening Subcommittee the application

from Richard D. Cardin for reappointment to the Juvenile Hearing Board.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

06-216 VOTED to received with deep regret the correspondence from Brigitte A. Buxton regarding her resignation from the Budget Board.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

06-217 Correspondence from Councilor Jacqueline Zahn, Chair, Screening Subcommittee, regarding the subcommittee's recommendations.

VOTED to appoint David Ketcham as an alternate member of the Budget Board for a one-year term to expire July 31, 2007.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

VOTED to appoint Denis Riel to the Juvenile Hearing Board for a three-year term to expire July 31, 2009.

Motion by Councilor Nancy F. Binns. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

VOTED to appoint Mark Brizard as an alternate member of the Redevelopment Agency for a one-year term to expire July 31, 2007;

Motion by Councilor Ronald E. Faford. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor

Margaret L. Dudley was excused.

VOTED to reappoint Scott P. Rabideau to the Sewer Commission for a three-year term to expire June 30, 2009.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

9. Town Clerk/Communication:

06-218 VOTED to receive and file the correspondence from Martin D. Wencek, Permitting Supervisor, Office of Water Resources, Freshwater Wetlands Program, RI DEM, regarding insignificant alteration permit, application #06-0228.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

06-219 VOTED to receive and file the correspondence from Martin D. Wencek, Permitting Supervisor, Office of Water Resources, Freshwater Wetlands Program, RI DEM, regarding insignificant alteration permit, application #06-0234.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

10. VOTED to receive the following reports:

- 1. Town Treasurer: No report**
- 2. Burrillville Sewer Commission: Report of June 2006, Meetings of June 14 & 20, 2006**
- 3. Tax Collector: Report of June 2006**
- 4. Department of Public Works: No report**
- 5. Chief of Police: June 2006**
- 6. Office of Building Official: June 2006**
- 7. Animal Control Officer: June 2006**
- 8. Burrillville Housing Authority: Meeting of June 6, 2006**
- 9. Planning Board: Meeting of June 5, 2006**
- 10. Zoning Board of Review: No report**
- 11. Town Planner: No report**

- 12. Parks and Recreation Department: No report**
- 13. Information Systems Department: June 2006**
- 14. Burrillville Conservation Commission: Meeting of May 9, 2006**
- 15. Juvenile Hearing Board: No report**
- 16. Ordinance Subcommittee: No report**
- 17. Redevelopment Agency: Meeting of May 23, 2006**
- 18. Route 102 Study Commission: No report**
- 19. BOSAP: No report**
- 20. Personnel Board: No report**
- 21. Screening Subcommittee: Meeting of June 19, 2006**
- 22. Downtown Pascoag and Neighborhood Association: No report**
- 23. Budget Board: No report**
- 24. Library Building Committee: No report**
- 25. Burrillville School Committee: No report**
- 26. Library Fundraising Committee: Meetings of April 5 & May 31, 2006**
- 27. Callahan School Building Committee: Meeting of June 12, 2006**

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

11. Additional New Business:

06-220 VOTED to grant the requests for Executive Session from Jacqueline Zahn, Council Vice President and Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law [42-46-5 (a)(2)] for discussions relating to litigation matters; and [42-46-5 (a)(2)] discussions relating to collective bargaining between the Burrillville School Committee and the Burrillville Teacher's Association and regarding the Council 94 negotiations; and [42-46-5 (a)(5)] for review, discussion and considerations related to the acquisition, sale and exchange of real property.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Jacqueline Zahn. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

Note: There was a brief recess before the Council convened in Executive Session.

The Council returned to open session at 9:37 P.M.

VOTED to seal the minutes of executive session, noting that two votes had been taken.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

12. VOTED to adjourn at 9:37 P.M.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley was excused.

The meeting was taped. The tape is on file with the record of the meeting.

Louise R. Phaneuf, Town Clerk